THE HON'BLE SRI JUSTICE C.V. RAMULU

Monday, 16th October, 2006

W.P.No.12507 of 2003

Between:

Pasupuleti Gandhi … Petitioner

and

The Revenue Divisional Officer,
(Civil Supplies) Suryapet, Nalgonda
and another … Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.12507 of 2003

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the action of the 1st respondent in not reissuing authorization enabling the petitioner to continue as fair price shop dealer of Sirikonda village of Mothey Mandal, Nalgonda district as arbitrary and illegal and consequently to direct the 1st respondent to reissue authorization No.90/84, dated 10-8-1984 to the petitioner forthwith.

It seems, on the basis of certain irregularities committed by the petitioner, proceedings under Section 6-A of the Essential Commodities Act,1955 (for short 'the Act') have been initiated. Thereafter, they were concluded by the 2nd respondent by Proceedings dated 19-10-1993 duly confiscating 25% of the stocks in favour of the Government and also ordered not to continue the petitioner as a dealer, as it was clearly established that the petitioner had indulged in malpractice by not maintaining true and correct account of essential commodities. Thereafter, the matter was carried in appeal and the same was dismissed as time barred. Apart from this, it seems, on the basis of a complaint and charge sheet filed by the Inspector of Vigillance, Civil Supplies, Nalgonda, against the petitioner under Clauses 3,4 and 16 of the A.P. Scheduled Commodities (Regulation of Distribution by card system) Order,1973 read with Section 7 of the Essential Commodities Act, a case in S.T.C.No.3 of 1996 was filed in the Court of Session, Nalgonda.

However, the same was ended in acquittal. In view of his acquittal, petitioner is seeking restoration of his authorization as per the Control Orders.

In view of the above, without expressing any opinion on merits, petitioner is directed to file a regular representation before the 1st respondent-Revenue Divisional Officer for reconsideration of his authorization. On filing such representation, the authorities are directed to consider the case of the petitioner as per Clause 5(4) of the A.P. State Public Distribution System Control Order,2001, within a period of four weeks from the date of receipt of the said representation.

With the above directions, the Writ Petition is disposed of. No order as to costs.

16-10-2006

prk